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he regarded the sociological and other causes of crime entitled to consideration and due weight, it does not indicate that he departed essentially from his views as to the anthropological causes. He writes as one who, having demonstrated the principal cause of crime, examines into other possible causes, and comes back confirmed in his original opinion. Conceding that he has made the most of his data at hand, and that he has generalized fairly from it, still his conclusions as to the causes of crime are not convincing. His data and the treatment thereof are suggestive of the need of greater interest and investigation. They leave much to be desired. This is a want due to the insufficiency of statistics and opportunities of observation rather than to any fault of the author. Likewise, his proposals for the cure and prevention of crime lack force, for the reason that they appear to be based upon insufficient observation and experience.

The most suggestive and valuable part of his book is the third. His discussion of the right to punish and the purpose of punishment, the criminal insane, the probation and reformatory systems, is alone sufficient justification for the translation.

E. A. G.

MODERN THEORIES OF CRIMINALITY. By C. BERNALDO DE QUIROS. Translated by ALFONSO DE SALVIO, PH.D. Boston: Little, Brown & Co. 1911. pp. xxi, 249.

The first of the three chapters of this book gives a brief account of what the author terms the origin of the science of criminology, and a concise review of the theories advanced by the modern writers on the subject; the second deals with the science of penology in the same way; while the third discusses the scientific investigation of crime.

The most significant forces in the origin of the science of criminology are said by the author to be found in the old longing in man to discover a correspondence between mind and matter, between soul and body, which give rise to the long list of occult sciences of which physiognomy and phrenology are the most recent survivors; in the development of psychiatry; and in the rise of statistic science.

From such origins come our modern theories of criminology which the author finds heralded in the work of the three Italians whom he calls the three innovators, Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo. The work of each of the three is fully discussed and the principal theories advanced by each stated. Of them it is said that, "With the anthropologist Lombroso, the sociologist Ferri, and the juris-consult Garofalo, the school of criminal anthropology can be considered as fully established."

Though these founded the modern anthropological school of criminologists they admitted that the criminal is not irrevocably determined by birth, and one of them, Ferri, formulated the theory that crime is the result of all of the factors which can influence human conduct. These factors may be divided into individual or anthropological, physical or natural, and social. Of these factors the author says; "as soon as these were formulated, the relative value and conception of each group of factors were looked upon by investigators from different standpoints, so as to produce two great tendencies. The one by affirming the preponderance of anthropologic factors was called Criminal Anthropology, the other, leaning toward social factors, took the name of Criminal Sociology. The physical or cosmic factors did not pro-

duce a third school, which might have been called Criminal Meteorology, or Judiciary Astrology, but they were the cause of the polemic between anthropologists and sociologists." The discussion of the anthropological theories on the one hand and of the sociological theories on the other concludes the general view of the subject of criminology.

In the second chapter the author traces the development of penal science and its tendencies. Penal science is stated to have been developed under the, "double action of criminal law and penitentiary science."

The action in the criminal law lay in the movement following the demand from such as Beccaria for the reduction of the penalty to fit the crime and in the more radical demand enunciated in the writings of Karl Roder which aimed, "at bringing the conception of penology back to the universal law of tutelage over deficient beings." The action in penitentiary science is found in the prison reforms begun by John Howard in whose hands they were based upon no scientific theory but upon "charity and mercy," though, later, the reform assumed the characteristics of a science.

In modern penology, the outgrowth of the foregoing reforms, three tendencies are noted: (1) The traditional, (2) The reformistic; (3) The radical. The traditional tendency is characterized, "(a) by the claim of opposing crime only by means of punishment; and (b) by understanding the latter as a retribution—without any other aim—of crimes"; the reformistic by advocating, "the traditional penal measure for certain delinquents only with a repressive aim, while for others they reserve preventive measures against relapse and imitation, in accordance with the teachings of modern criminology"; the radical, by repudiating the traditional penal measures, and adopting the preventive measures, only, of the reformers.

Applications of the modern theories of penology are found in the juvenile court, "the American system of probation," "the European system of conditional sentence," and the indeterminate sentence.

The final chapter discusses the development of the science of identification of the criminal from the custom of branding the convict to the modern method of identification by finger-prints. The application of scientific information to the study of the traces left by the criminal in performing his crime is also described.

The work is not for the information of those already possessed of any considerable knowledge of the subjects of which it treats. No pretension is made to the statement of any original theories or hitherto undiscovered truths. Yet the discussions are so brief, owing to the number of topics discussed, that frequently the novice will receive so much less benefit than he might from a fuller discussion, that it seems that it would have been better had the author covered less ground more thoroughly. Despite this, however, the student of criminology or of penology can commence his studies in no better way than by reading this book.

O. S. R.

INTRODUCTION TO THE SCIENCE OF LAW: Systematic Survey of the Law and Principles of Legal Study. By KARL GAREIS, Professor of Law at Munich. Translated from the third, revised edition of the German by ALBERT KOCOUREK, Lecturer on Jurisprudence in Northwestern University. With an Introduction by ROSCOE POUND, Story Professor of Law in Harvard University. THE BOSTON BOOK COMPANY. 1911. pp. xxix, 375.